

County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



Leroy D. Baca, Sheriff

August 12, 2013


Deputy #

Dear Deputy

On April 9, 2013, you were served with a Letter of Intention, indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under IAB File Number 2331758. You were also advised of your right to review the material on which the discipline was based.

You are hereby notified that pursuant to an Education-Based Discipline (EBD) Agreement between you and this Department dated July 8, 2013, you are suspended without pay from your position of Deputy Sheriff, Item No. 2708A, with this Department for a period of ten (10) days. However, pursuant to the EBD agreement, the ten (10) days will be held in abeyance for a period of twelve (12) months which will end on July 7, 2014. All Department records will reflect, nevertheless, that you received a ten (10) day suspension. In accordance with the EBD Agreement, you have agreed to participate in an education-based alternative to discipline. Should you fail to complete any of the terms and conditions of the EBD Agreement, the ten (10) days held in abeyance will be imposed.

An investigation under File Number IAB 2331758, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Sections 3-01/050.10, Performance to Standards; and/or 3-01/030.10, Obedience to Laws, Regulations and Orders (as it pertains to section 5-09/220.50, Foot Pursuits, and/or 5-06/105.00, Tactical Incidents), on or about January 21, 2012, while on duty, you failed to conform to the work standards established for your position when you failed to appropriately address a tactical dilemma which evolved from a foot pursuit

> your partner, Deputy Lee Warren, engaged in, as you failed to broadcast; and/or communicate to, and/or request assisting units; and/or coordinate in an effort to contain the area before attempting to capture the fleeing suspect. You failed to reasonably maintain, and/or use cover and concealment; and/or contain the area by communicating with additional units when you believed the fleeing suspect to be armed, and in a dark and confined area.

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference."

Prior to imposing this disciplinary action, I have thoroughly reviewed the incident and your record with this Department.

You will hereby take notice that any future acts of misconduct may result in more severe disciplinary action.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Original Signed

Patrick A. Nelson, Captain
Lancaster Station

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures.

PAN:AEA:bs

c: Advocacy Unit
Jacques A. La Berge, Chief, North Patrol Division
Internal Affairs Bureau
Personnel Administration
Office of Independent Review (OIR)
Lancaster Station/unit Personnel File

EDUCATION-BASED DISCIPLINE AGREEMENT

This Agreement is entered into between the Los Angeles County Sheriff's Department, hereinafter referred to as "Department," and Deputy [redacted] Employee No. [redacted] hereinafter referred to as "Deputy [redacted]

The Department and Deputy [redacted] are parties to this dispute and desire to settle all issues involved in IAB No. 2331758 upon the terms and conditions hereinafter set forth.

NOW, THEREFORE, the Department and Deputy [redacted] for and in consideration of the mutual covenants contained herein, agree as follows:

1. Both parties agree that the ten (10) day suspension shall stand. The letter of imposition shall contain the same charges as the letter of intent.

2. The Department will, upon execution of this Education-Based Discipline (EBD) Agreement, hold the ten (10) days in abeyance for a period of twelve (12) months from the date of execution of this EBD Agreement.

3. Both parties agree and understand that Deputy [redacted] records will reflect that the ten (10) day suspension was imposed and may be used for the purposes of demonstrating "progressive discipline." In addition, Deputy [redacted] understands that he will be subjected to additional discipline for each and every founded violation of the Department's Manual of Policy and Procedures.

4. Deputy [redacted] further agrees to attend and complete the below listed EBD classes and understands that failure to complete **all** the classes and assignment shall result in the imposition of the ten (10) days held in abeyance:

- Lieutenant's Interactive Forum for Education (LIFE) class (8 hours)
- Field Tactics and Officer Survival Tactics I class (8 hours)
- Deputy Leadership Institute class (16 hours)
- Professional Development (Ethical Decision Making) class (8 hours)
- Write an evaluation reflecting on your experience with the EBD process

5. The Department may adjust Deputy [redacted] schedule to participate in EBD courses and EBD items, as EBD is conducted on-duty.

6. Deputy [redacted] agrees to cooperate with his Unit Commander to complete the classes as soon as practicable, and within the prescribed time limit.

7. Deputy [redacted] further agrees to waive any and all further administrative or judicial remedies with respect to the Letter of Imposition and the modified discipline, and also waives any administrative or judicial remedies with respect to any imposition pursuant to paragraph three (3), above. This waiver shall include, but not be limited to, appeals to the Los Angeles County Civil Service Commission and/or the Los Angeles County Employee Relations Commission.

clu 7/16/13

8. The parties further agree that this EBD Agreement shall not be considered, cited, or used in future disputes as establishing past precedent or past employment practice.

9. In consideration of the terms and conditions set forth herein, Deputy [redacted] agrees to fully release, acquit and forever discharge the County, and all present and former officers, employees and agents of the County, and their heirs, successors, assigns and legal representatives from any and all liability whatsoever for any and all claims arising out of or connected with the employment relationship between the County and Deputy [redacted] concerning the subject matter referred to herein.

10. Deputy [redacted] further agrees to relinquish and expressly waives all rights conferred upon him by the provisions of California Civil Code Section 1542, which reads as follows:

> *"A general release does not extend to claims which the creditor does not know or suspect to exist in his favor at the time of executing the release, which if known by him must have materially affected his settlement with the debtor."*

11. The date of the last signature placed hereon shall hereinafter be known as the "date of execution" and the "effective date" of this EBD Agreement.

12. The parties agree that the foregoing comprises the entire EBD Agreement between the parties and that there have been no other promises made by any party. Any modification of this EBD Agreement must be in writing.

I have read the foregoing EBD Agreement, and I accept and agree to the provisions contained therein and hereby execute it voluntarily and with full understanding of its consequences.

Date: 07-08-13

[redacted] Deputy #[redacted]

Date: 7/05/13

Patrick A. Nelson, Captain
Lancaster Station



County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



Leroy D. Baca, Sheriff

April 9, 2013



Deputy #

Dear Deputy

You are hereby notified that it is the intention of the Sheriff's Department to suspend you without pay from your position of Deputy Sheriff, Item No. 2708A, with this Department for a period of ten (10) days.

An investigation under IAB File Number 2331758, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Sections 3-01/050.10, Performance to Standards; and/or 3-01/030.10, Obedience to Laws, Regulations and Orders (as it pertains to section 5-09/220.50, Foot Pursuits, and/or 5-06/105.00, Tactical Incidents), on or about January 21, 2012, while on duty, you failed to conform to the work standards established for your position when you failed to appropriately address a tactical dilemma which evolved from a foot pursuit your partner, Deputy Lee Warren, engaged in, as you failed to broadcast; and/or communicate to, and/or request assisting units; and/or coordinate in an effort to contain the area before attempting to capture the fleeing suspect. You failed to reasonably maintain, and/or use cover and concealment; and/or contain the area by communicating with additional units when you believed the fleeing suspect to be armed, and in a dark and confined area.

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference.

Prior to determining this disciplinary action, I have thoroughly reviewed the incident and your record with this Department.

You have the right to grieve this disciplinary action within ten (10) business days of receipt of this letter. Your grievance procedures may be found in your classification's negotiated Memorandum of Understanding.

Failure to respond to this Letter of Intent within ten (10) business days will be considered a waiver of your right to grieve and will result in the imposition of this discipline indicated herein.

At the time of service of this letter of intent, you were provided with a copy of the material on which the discipline is based. If you are unable to access the information provided in the enclosed CD, you may contact Jacqueline Powell, of Internal Affairs Bureau, at (323) 890-5311, and arrange an appointment for assistance in this regard.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Original Signed

Patrick A. Nelson, Captain
Commander, Lancaster Station

PAN:AEA:jp

c: Advocacy Unit
Employee Relations Unit
Jacques A. La Berge, Chief, Field Operations Region I
Internal Affairs Bureau
Office of Independent Review (OIR)
(File # IAB 2331758)



Leroy D. Baca, Sheriff

County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



August 1, 2013

Deputy Lee Warren, #[redacted]

Dear Deputy Warren:

On April 8, 2013, you were served with a Letter of Intention, indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under IAB File Number 2331758. You were also advised of your right to review the material on which the discipline was based.

You are hereby notified that pursuant to an Education-Based Discipline (EBD) Agreement between you and this Department dated July 8, 2013, you are suspended without pay from your position of Deputy Sheriff, Item No. 2708A, with this Department for a period of twelve (12) days. However, pursuant to the EBD agreement, the twelve (12) days will be held in abeyance for a period of twelve (12) months which will end on July 7, 2014. All Department records will reflect, nevertheless, that you received a twelve (12) day suspension. In accordance with the EBD Agreement, you have agreed to participate in an education-based alternative to discipline. Should you fail to complete any of the terms and conditions of the EBD Agreement, the twelve (12) days held in abeyance will be imposed.

An investigation under File Number IAB 2331758, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Sections 3-01/050.10, Performance to Standards; and/or 3-01/030.10, Obedience to Laws, Regulations and Orders (as it pertains to section 5-09/220.50, Foot Pursuits, and/or 5-06/105.00, Tactical Incidents), on or about January 21, 2012, while on duty, you failed to conform to the work standards established for your position when you failed to appropriately address a tactical dilemma and engaged in a foot pursuit and tactical incident without broadcasting your actions; and/or communicate to, and/or request assisting units; and/or coordinate in

> an effort to contain the area before attempting to capture the fleeing suspect. You failed to reasonably maintain, and/or use cover and concealment; and/or contain the area by communicating with additional units when you believed the fleeing suspect to be armed, and in a dark and confined area.

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference."

Prior to imposing this disciplinary action, I have thoroughly reviewed the incident and your record with this Department.

You will hereby take notice that any future acts of misconduct may result in more severe disciplinary action.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Original Signed

Patrick A. Nelson, Captain
Commander, Lancaster Station

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures and Civil Service Rules {when applicable}.

PAN:AEA:bs

c: Advocacy Unit
Jacques A. La Berge, Chief, North Patrol Division
Internal Affairs Bureau
Personnel Administration
Office of Independent Review (OIR)
Lancaster Station/unit Personnel File

SETTLEMENT AGREEMENT

This agreement is entered into between the Los Angeles County Sheriff's Department, hereinafter referred to as "Department", and Deputy Lee Warren, Employee Number [redacted] hereinafter referred to as "Grievant."

The Department and Grievant are parties to this dispute and desire to settle all issues involved in the Letter of Intent dated April 8, 2013, (IAB # 2331758) upon the terms and conditions hereinafter set forth.

NOW, THEREFORE, the Department and Grievant for and in consideration of the mutual covenants contained herein, agree as follows:

1. Both parties agree that the twelve (12) day suspension shall stand. The Letter of Imposition shall contain the same charges as the Letter of Intent.

2. The Department will, upon execution of this agreement, hold the twelve (12) days in abeyance for a period of twelve (12) months from the date of execution of this Settlement Agreement.

3. The Grievant understands that if he becomes the subject of a founded investigation involving similar violations of the Manual of Policy and Procedures, and that if the event resulting in the founded investigation occurred within the twelve (12) month period of the date of execution of this agreement, the twelve (12) days held in abeyance shall be imposed. In addition, the Grievant understands that he will be subjected to additional discipline for each and every founded violation of the Department's Manual of Policy and Procedures.

4. Both parties agree and understand that the Grievant's records will reflect that the twelve (12) day suspension was imposed and may be used for the purposes of demonstrating "progressive discipline".

5. Grievant agrees to attend and complete the below listed EBD courses and understands that failure to complete **all** of the courses and assignment shall result in the imposition of the twelve (12) days held in abeyance:

- Lieutenant's Interactive Forum for Education (LIFE) class (8 hours)
- Field Tactics and Officer Survival Tactics I class (8 hours)
- Deputy Leadership Institute class (16 hours)
- Anger Management & Effective Communication class (8 hours)
- Professional Development (Ethical Decision Making) class (8 hours)
- Write an EBD evaluation reflecting on your experience with the EBD process

6. The Department may adjust Grievant's schedule to participate in EBD courses and EBD items, as EBD is conducted on-duty.

7. The Grievant agrees to cooperate with his Unit Commander to complete the courses as soon as practicable, but no longer than twelve (12) months from the date of execution of this Agreement.

BS 7/15/13

8. The Grievant agrees to withdraw his grievance and waive any and all further administrative or judicial remedies with respect to the Letter of Imposition and the modified discipline, and also waives any administrative or judicial remedies with respect to any imposition pursuant to paragraph three (3), above. The parties further agree that this Settlement shall not be considered, cited, or used in future disputes as establishing past precedent or past employment practice.

9. In consideration of the terms and conditions set forth herein, Grievant agrees to fully release, acquit and forever discharge the County, and all present and former officers, employees and agents of the County, and their heirs, successors, assigns and legal representatives from any and all liability whatsoever for any and all claims arising out of or connected with the employment relationship between the County and Grievant concerning the subject matter of the grievance referred to herein.

10. The Grievant further agrees to relinquish and expressly waives all rights conferred upon him by the provisions of California Civil Code Section 1542, which reads as follows:

> *"A general release does not extend to claims which the creditor does not know or suspect to exist in his favor at the time of executing the release, which if known by him must have materially affected his settlement with the debtor."*

11. The date of the last signature placed hereon shall hereinafter be known as the "date of execution" and the "effective date" of this Agreement.

12. The parties agree that the foregoing comprises the entire agreement between the parties and that there have been no other promises made by any party. Any modification of this agreement must be in writing.

I have read the foregoing Settlement Agreement and I accept and agree to the provisions contained therein and hereby execute it voluntarily and with full understanding of its consequences.

For the Sheriff's Department:

Date: 070813

Lee Warren, Deputy [redacted]

Date: 070513

Patrick A. Nelson, Captain
Lancaster Station



Leroy D. Baca, Sheriff

County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



April 8, 2013

Deputy Lee Warren, #

Dear Deputy Warren:

You are hereby notified that it is the intention of the Sheriff's Department to suspend you without pay from your position of Deputy Sheriff, Item No. 2708A, with this Department for a period of twelve (12) days.

An investigation under IAB File Number 2331758, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Sections 3-01/050.10, Performance to Standards; and/or 3-01/030.10, Obedience to Laws, Regulations and Orders (as it pertains to section 5-09/220.50, Foot Pursuits, and/or 5-06/105.00, Tactical Incidents), on or about January 21, 2012, while on duty, you failed to conform to the work standards established for your position when you failed to appropriately address a tactical dilemma and engaged in a foot pursuit and tactical incident without broadcasting your actions; and/or communicate to, and/or request assisting units; and/or coordinate in an effort to contain the area before attempting to capture the fleeing suspect. You failed to reasonably maintain, and/or use cover and concealment; and/or contain the area by communicating with additional units when you believed the fleeing suspect to be armed, and in a dark and confined area.

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The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Original Signed

Patrick A. Nelson, Captain
Commander, Lancaster Station

PAN:AEA:jp

c: Advocacy Unit
Employee Relations Unit
Jacques A. La Berge, Chief, Field Operations Region I
Internal Affairs Bureau
Office of Independent Review (OIR)
(File # IAB 2331758)

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT
A Tradition of Service

DATE: April 10, 2013
FILE NO:

OFFICE CORRESPONDENCE

FROM: BUDDY GOLDMAN, COMMANDER
FIELD OPERATIONS REGION I

TO: PATRICK A. NELSON, CAPTAIN
LANCASTER STATION

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS:

Case Number:	SH2305899 / IV2331758
Incident:	Hit Shooting
Incident Date:	January 21, 2012
Unit:	Lancaster Station
Suspect:	Christian Cobian, MH/09-26-85
Involved Employees:	Deputy Lee Warren, #[redacted] Deputy [redacted] #[redacted]
EFRC Date:	March 28, 2013

The Executive Force Review Committee (EFRC) consisting of Commanders Buddy Goldman, David Fender, and Bobby Denham met and reviewed the above case.

FORCE POLICY RELATING TO INCIDENT:

Law Enforcement officers may use deadly force in self-defense or in the defense of others, only when they reasonably believe death or serious physical injury is about to be inflicted upon themselves or others.

FINDINGS:

Lancaster Station deputies noticed the suspect riding a bicycle at night without a light and on the sidewalk in violation of laws prohibiting this conduct. They conducted a traffic stop of the suspect and positioned their patrol car well behind the suspect who yielded to their authority. As the deputies approached, they noticed the suspect's left hand was holding up the bicycle and his right hand was concealed under his shirt near his waistband. Fearing for their safety, the deputies ordered the suspect to clearly show his hands. The suspect appeared anxious, excited, and to be considering fleeing.

The suspect began shouting profanities, dropped the bicycle, and ran from the deputies. The deputies immediately believed the suspect was armed. One deputy chased the suspect on foot, while the other deputy followed in the patrol car. During the foot chase, the suspect seemed to be holding on to whatever was concealed under his shirt with his right hand. After the foot pursuit, and upon running toward an alley, the suspect suddenly began walking while clutching an object under his shirt with his right hand. The suspect turned toward the deputy who had been chasing him on foot. Due to the manner in which the suspect was running while holding onto object under his shirt, the deputy, believed the suspect was armed and fearing he would be shot, fired at the suspect striking him multiple times.

The other deputy driving the patrol car lost sight of the suspect and his partner briefly. This deputy heard gunshots, but he did not know who the shooter was. He was under the belief the suspect had possibly shot his partner. The deputy parked the patrol car and saw the suspect running toward the alley in front of him. He ordered the suspect to stop; however, the suspect jerked his right shoulder toward the deputy while still grasping an object under his shirt. Believing he was going to be shot by the suspect, and believing the suspect had already possibly shot his partner, this deputy also fired at the suspect. The suspect fell to the ground after being struck by gunfire.

The EFRC deemed as **Unresolved** the allegation that the force used by Deputy Warren Lee was in violation of the Department's Manual of Policy and Procedures, Section 3-10/030.00, Unreasonable Force.

The EFRC deemed as **Founded** the allegation that the tactics used by Deputy Lee Warren were in violation of the Department's Manual of Policy and Procedures, Section(s) 3-01/050.10, Performance to Standards; and/or 3-01/030.10, Obedience to Laws, Regulations, and Orders (as it pertains to section 5-09/220.50, Foot Pursuits, and/or 5-06/105.00, Tactical Incidents), on or about January 21, 2012, while on duty Subject Warren failed to conform to the work standards established for his position when he failed to appropriately address a tactical dilemma and engaged in a foot pursuit and tactical incident without broadcasting his actions; and/or communicate to, and/or request assisting units; and/or coordinate in an effort to contain the area before attempting to capture the fleeing suspect. Subject Warren failed to reasonably maintain, and/or use cover and concealment; and/or contain the area by communicating with additional units when he believed the fleeing suspect to be armed, and in a dark and confined area.

RECOMMENDATIONS:

The EFRC recommended Deputy Lee Warren # [redacted] receive a **twelve (12) day suspension.** The EFRC recommended Deputy Warren be placed on two year Formal Departmental Performance Review. The EFRC also recommended Deputy

Warren attend the eight-hour Tactics and Survival training (TAS I), the eight-hour LIFE class, and the eight-hour Professional Development Ethical Decision Making training.

Lastly, the EFRC recommended the unit commander, Captain Patrick A. Nelson, conduct a tactical debriefing with the involved personnel regarding the circumstances of this incident, and a station briefing to include the issues of crime scene contamination, unnecessary persons entering the crime scene, supervisors responsibilities to remove shooters from the scene and have those involved not speak about the issues and be supervised pending the interviews by Homicide personnel.

BG:JER:jer

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT
A Tradition of Service

DATE: April 10, 2013
FILE NO:

OFFICE CORRESPONDENCE

FROM: BUDDY GOLDMAN, COMMANDER
FIELD OPERATIONS REGION I

TO: PATRICK A. NELSON, CAPTAIN
LANCASTER STATION

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS:

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Unit:	Lancaster Station
Suspect:	Christian Cobian, MH/09-26-85
Involved Employees:	Deputy Lee Warren, #[redacted] Deputy [redacted] #[redacted]
EFRC Date:	March 28, 2013

The Executive Force Review Committee (EFRC) consisting of Commanders Buddy Goldman, David Fender, and Bobby Denham met and reviewed the above case.

FORCE POLICY RELATING TO INCIDENT:

Law Enforcement officers may use deadly force in self-defense or in the defense of others, only when they reasonably believe death or serious physical injury is about to be inflicted upon themselves or others.

FINDINGS:

Lancaster Station deputies noticed the suspect riding a bicycle at night without a light and on the sidewalk in violation of laws prohibiting this conduct. They conducted a traffic stop of the suspect and positioned their patrol car well behind the suspect who yielded to their authority. As the deputies approached, they noticed the suspect's left hand was holding up the bicycle and his right hand was concealed under his shirt near his waistband. Fearing for their safety, the deputies ordered the suspect to clearly show his hands. The suspect appeared anxious, excited, and to be considering fleeing.

The suspect began shouting profanities, dropped the bicycle, and ran from the deputies. The deputies immediately believed the suspect was armed. One deputy chased the suspect on foot, while the other deputy followed in the patrol car. During the foot chase, the suspect seemed to be holding on to whatever was concealed under his shirt with his right hand. After the foot pursuit, and upon running toward an alley, the suspect suddenly began walking while clutching an object under his shirt with his right hand. The suspect turned toward the deputy who had been chasing him on foot. Due to the manner in which the suspect was running while holding onto an object under his shirt, the deputy, believed the suspect was armed and fearing he would be shot, fired at the suspect striking him multiple times.

The other deputy driving the patrol car lost sight of the suspect and his partner briefly. This deputy heard gunshots, but he did not know who the shooter was. He was under the belief the suspect had possibly shot his partner. The deputy parked the patrol car and saw the suspect running toward the alley in front of him. He ordered the suspect to stop; however, the suspect jerked his right shoulder toward the deputy while still grasping an object under his shirt. Believing he was going to be shot by the suspect, and believing the suspect had already possibly shot his partner, this deputy also fired at the suspect. The suspect fell to the ground after being struck by gunfire.

The EFRC deemed as **Unresolved** the allegation that the force used by Deputy [redacted] was in violation of the Department's Manual of Policy and Procedures, Section 3-10/030.00, Unreasonable Force.

The EFRC deemed as **Founded** the allegation that the tactics used by Deputy [redacted] were in violation of the Department's Manual of Policy and Procedures, Section(s) 3-01/050.10, Performance to Standards; and/or 3-01/030.10, Obedience to Laws, Regulations, and Orders (as it pertains to section 5-09/220.50, Foot Pursuits, and/or 5-06/105.00, Tactical Incidents), on or about January 21, 2012, while on duty Subject [redacted] failed to conform to the work standards established for his position, when he failed to appropriately address a tactical dilemma which evolved from a foot pursuit his partner, Deputy Lee Warren, engage in, as Subject [redacted] failed to broadcast; and/or communicate to, and/or request assisting units; and/or coordinate in an effort to contain the area before attempting to capture the fleeing suspect. Subject [redacted] failed to reasonably maintain and/or use cover and concealment, and contain the area by communicating with additional units when he believed the fleeing suspect to be armed, and in a dark and confined area.

RECOMMENDATIONS:

The EFRC recommended Deputy [redacted] #[redacted] receive a **ten (10) day suspension.** The EFRC recommended Deputy [redacted] be placed on two year Formal Departmental Performance Review. The EFRC also recommended Deputy [redacted] attend the eight-hour Tactics and Survival training (TAS I), the eight-hour LIFE class, and the eight-hour Professional Development Ethical Decision Making training.

Lastly, the EFRC recommended the unit commander, Captain Patrick A. Nelson, conduct a tactical debriefing with the involved personnel regarding the circumstances of this incident, and a station briefing to include the issues of crime scene contamination, unnecessary persons entering the crime scene, supervisors responsibilities to remove shooters from the scene and have those involved not speak about the issues and be supervised pending the interviews by Homicide personnel.

BG:JER:jer

Table of Contents
SH2305899

Los Angeles County Sheriff's Department

Officer Involved Shooting

Report Date: 1/21/2012	Bureau/Station/Facility: Lancaster Station	Admin. Invest.? ☐	Hit? ☒

Incident Information

URN: 012-01397-1126-013	Date: 1/21/12	Time: 2303 hours

City or Station: Lancaster Station

Location: 44201 10th Street West, Lancaster

Nature of Incident: While on patrol, Deputies Warren and noticed Suspect Cobian riding a bicycle without a headlight and reflectors; therefore, stopped and detained him. When they attempted to contact him, he ran away yelling incoherently. Deputy Warren pursued Suspect Cobian on foot, while Deputy followed in the patrol car. During the foot pursuit, Suspect Cobian ran west behind a business complex. Deputy Warren ordered Suspect Cobian to give up several times, but he ignored his commands and continued running. Suspect Cobian then quickly stopped running and reached toward his waistband. Believing he was removing a handgun from his waistband and fearing for their safety, Deputies Warren and fired numerous times at Suspect Cobian, striking him multiple times. Cobian was pronounced deceased at the location by Los Angeles County Fire paramedics.

Location Type (*circle one or more*):
- Backyard
- Beach
- **Business** (circled)
- Freeway
- **Industrial** (circled)
- Park
- **Parking Lot** (circled)
- Residence
- Rural
- School
- Street
- Other: ____________

Lighting (*circle only one*):
- **Darkness** (circled)
- Daylight
- Other
- **Street Lights** (circled)

Weather (*circle only one*):
- **Clear** (circled)
- Cloudy
- Fog
- Rain

Distance: 25 feet

Incident Type (*circle one or more*):
- Accidental
- Armed Person
- **Fleeing Suspect** (circled)
- **Foot Pursuit** (circled)
- Gun Take Away
- Moving Vehicle
- Sniper/Ambush
- Startle
- Struggle Involved
- Traffic Stop
- Unarmed Person
- Unintentional
- Vehicle Pursuit
- Warrant Service
- Warning Shot
- Other: ____________

Initiated by (*circle only one*):
- Arrest Warrant
- Call
- **Observation** (circled)
- One Person Unit
- Other
- Search Warrant
- Two Person Unit

Prior Activity (*circle only one*):
- Detective
- Inmate Transport
- Other
- **Routine Patrol** (circled)

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect
13	0

Aero Unit? ☐ Canine Unit? ☐

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*):	ShiftType (*circle only one*):
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty

Non-Employee Witnesses

Last Name	First Name	M.I.		
		-		
Street Address	**City**	**Zip Code**	**Work Ph**	**Home Ph**
				-
Last Name	**First Name**	**M.I.**		
		-		
Street Address	**City**	**Zip Code**	**Work Ph**	**Home Ph**
				-
Last Name	**First Name**	**M.I.**		
		-		
Street Address	**City**	**Zip Code**	**Work Ph**	**Home Ph**
				-

Supervisors

Employee #	Last Name	First Name	M.I	(*circle one or more*):
	Owen	Steven	C.	**On Duty** (circled); Present during shooting; Witness to shooting; Involved in shooting
	Deschamps	Jill	L.	**On Duty** (circled); Present during shooting; Witness to shooting; Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
	Pfrehm	Paul	H.

Watch Commander

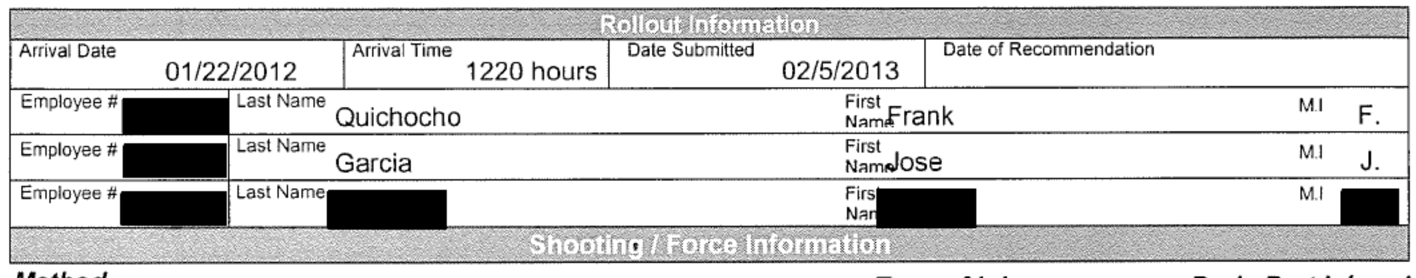
Employee #	Last Name	First Name	M.I.
	Daniels	Richard	R.

PSTD Use Only

SH # ____________

Officer Involved Shooting

URN: 012-01397-1126-013



Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
01/22/2012	1220 hours	02/5/2013	

Employee #	Last Name	First Name	M.I
[redacted]	Quichocho	Frank	F.
[redacted]	Garcia	Jose	J.
[redacted]	[redacted]	[redacted]	[redacted]

Shooting / Force Information

Method

Code	Method	Code	Method
(AW)	Arwen	(OV)	Other Weapon: Vehicle
(BC)	Baton:(Control)	(OB)	Other Weapon: Blunt Object
(BI)	Baton:(Impact)	(OO)	Other Weapon: Other
(BF)	Bodily Fluids	(PK)	Personal Weapon: Feet/Leg: (Kick)
(CN)	Canine	(PS)	Personal Weapon: Feet/Leg: (Sweep)
(CR)	Carotid Restraint	(PH)	Personal Weapon (Hand/Arm)
(CH)	Choke Hold	(PP)	Personal Weapon (Push)
(CT)	Control Holds:(Control Techniques)	(PO)	Personal Weapon (Other)
(TT)	Control Holds:(Team Takedown)	(RS)	Resistance
(TD)	Control Holds:(Takedown)	(CN)	Restraint Device (Capture Net)
(CE)	Chemical	(RH)	Restraint Device (Handcuffs)
(OC)	Chemical Agents (OC Spray)	(HB)	Restraint Device:Hobble (Legs Only)
(TG)	Chemical Agents (Tear Gas)	(TP)	Restraint Device:Hobble (TARP)
(EX)	Explosives	(RE)	Restraint Device: REACT Belt
(FH)	Firearm (Handgun)	(SP)	Sap
(FR)	Firearm (Rifle)	(SH)	Shield
(FS)	Firearm (Shotgun)	(SG)	37mm Stinger
(FO)	Firearm (Other)	(SB)	Sting Ball
(FB)	Flashbang	(ST)	Stun Bag
(FL)	Flashlight	(TR)	Taser
(OE)	Other Weapon: Edged	(UC)	Uncooperative

Type of Injury

Code	Type of Injury
(AB)	Abrasion
(BR)	Bruise
(BU)	Burn
(CP)	Complaint of Pain
(CO)	Concussion
(DH)	Death
(DI)	Dislocation
(DB)	Dog Bite
(FR)	Fractures
(GS)	Gunshot
(HB)	Human Bite
(LC)	Lacerations
(ND)	Nerve Damage
(OD)	Organ Damage
(PA)	Paralysis
(PW)	Puncture Wound
(SD)	Soft Tissue Damage
(ST)	Sprain/Twists
(UN)	Unconscious
(RM)	Refused Med Treatment
(NN)	NONE

Body Part Injured

Code	Body Part
(AD)	Abdomen
(AK)	Ankle
(AR)	Arm
(BK)	Back
(BT)	Buttocks
(CH)	Chest
(EL)	Elbow
(FA)	Face
(FE)	Feet
(FI)	Fingers
(GE)	Genitals
(GR)	Groin
(HD)	Hand
(HE)	Head
(HI)	Hip
(IN)	Internal
(KN)	Knees
(LE)	Leg
(NK)	Neck
(SH)	Shoulder
(WR)	Wrist

Brand

Code	Brand	Code	Brand	Code	Brand
(AK)	AK-47	(IV)	Iver Johnson	(RI)	RGI
(BN)	Benelli	(JE)	Jennings	(RO)	Rossi
(BR)	Beretta	(LO)	Lorcin	(SW)	Smith & Wesson
(BW)	Browning	(LU)	Luger	(SR)	Sturm Ruger
(CH)	Charter Arms	(MA)	Marlin	(ST)	Sterling
(CO)	Colt	(MO)	Mossberg	(TA)	Taurus
(DA)	Davis Industries	(NC)	NCI aka SKS	(WE)	Weatherby
(GL)	Glock	(NA)	North American	(WN)	Winchester
(HA)	Harrington & Richardson	(NO)	Norinco	(US)	US Government
(HI)	Hi Standard	(RA)	Raven	(YY)	Handmade (Inmate)
(HK)	H & K	(RM)	Remington	(XX)	Homemade (Non-Inmate)
(IT)	Ithica	(RG)	RG	(ZZ)	Other Brand

Caliber

Code	Caliber	Code	Caliber	Code	Caliber
(9)	9 mm	(24)	.243 caliber	(41)	.410 guage
(10)	10 mm	(25)	.25 caliber	(44)	.44 caliber
(12)	12 guage	(30)	.308 caliber	(45)	.45 caliber
(20)	20 guage	(35)	.357 caliber	(50)	50 mm
(21)	.22-250	(36)	30-60 caliber	(SL)	Slug
(22)	.22 caliber	(38)	.38 caliber	(WW)	Other caliber
(23)	.223 caliber	(40)	.40 caliber		

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S	E#1	UC	-	-	-	-	NN	-
"	"	RS	-	-	-	-	NN	-
S	E#2	UC	-	-	-	-	NN	-
"	"	RS	-	-	-	-	NN	-
E#1	S	FH	BR	9	Y	Y	DH	HE
"	"	"	"	"	"	"	"	SH
"	"	"	"	"	"	"	"	CH
"	"	"	"	"	"	"	"	GE
"	"	"	"	"	"	"	"	LE
E#2	S	FH	BR	9	Y	Y	DH	HE
"	"	"	"	"	"	"	"	SH
"	"	"	"	"	"	"	"	CH
"	"	"	"	"	"	"	"	GE
"	"	"	"	"	"	"	"	LE

See Front Side

Officer Involved Shooting
Involved Employee Information

URN: 012-01397-1126-013

Involved Employee

E 1

Employee #	Last Name	First Name	M.I.
	Warren	Lee	S.

Sex:	Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
M	W	DSG	Lancaster	111N

ShiftTime (*circle only one*):	ShiftType (*circle only one*):	Intoxication/Drug Usage?	Substance Used:
EM **(PM)** Day	**(Regular)** Overtime Off Duty	☐	

Hospital Admission?	Hospital Name:	Coroner Case?	Coroner Case #	Interviewed?
☐		☐		☒

Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*):	Other Factors:
8	8	Plain Clothes no Vest / Raid Jacket w/ Vest / Plain Clothes w/ Vest / Uniform no Vest / Raid Jacket no Vest / **(Uniform w/ Vest)**	

Age:	Height:	Weight:
	6'01	174

Range Qualification Date:	PPC Qualification Date:	Laser Training Date:

Certified with Weapon Used?	Patrol Certification?	Certification Unit:	Prior Shootings?	Number of Prior Shootings:	Directed Force:

Weapons Fired Brand:	Caliber	# Shots	Weapons Fired Brand:	Caliber	# Shots
Beretta	9mm	11			

Field Training Officer Emp #	Last Name	First Name	M.I.

E 2

Employee #	Last Name	First Name	M.I.
			-

Sex:	Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):

ShiftTime (*circle only one*):	ShiftType (*circle only one*):	Intoxication/Drug Usage?	Substance Used:
EM PM Day	**(Regular)** Overtime Off Duty	☐	

Hospital Admission?	Hospital Name:	Coroner Case?	Coroner Case #	Interviewed?
☐		☐		☒

Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*):	Other Factors:
8	8	Plain Clothes no Vest / Raid Jacket w/ Vest / Plain Clothes w/ Vest / Uniform no Vest / Raid Jacket no Vest / **(Uniform w/ Vest)**	

Age:	Height:	Weight:

Range Qualification Date:	PPC Qualification Date:	Laser Training Date:

Certified with Weapon Used?	Patrol Certification?	Certification Unit:	Prior Shootings?	Number of Prior Shootings:	Directed Force:

Weapons Fired Brand:	Caliber	# Shots	Weapons Fired Brand:	Caliber	# Shots
Beretta	9mm	2			

Field Training Officer Emp #	Last Name	First Name	M.I.

E __

Employee #	Last Name	First Name	M.I.

Sex:	Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):

ShiftTime (*circle only one*):	ShiftType (*circle only one*):	Intoxication/Drug Usage?	Substance Used:
EM PM Day	Regular Overtime Off Duty	☐	

Hospital Admission?	Hospital Name:	Coroner Case?	Coroner Case #	Interviewed?
☐		☐		☐

Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*):	Other Factors:
		Plain Clothes no Vest / Raid Jacket w/ Vest / Plain Clothes w/ Vest / Uniform no Vest / Raid Jacket no Vest / Uniform w/ Vest	

Age:	Height:	Weight:

Range Qualification Date:	PPC Qualification Date:	Laser Training Date:

Certified with Weapon Used?	Patrol Certification?	Certification Unit:	Prior Shootings?	Number of Prior Shootings:	Directed Force:
☐	☐		☐		☐

Weapons Fired Brand:	Caliber	# Shots	Weapons Fired Brand:	Caliber	# Shots

Field Training Officer Emp #	Last Name	First Name	M.I.

See Other Side

Officer Involved Shooting
Suspect Information

URN: 012-01397-1126-013

Suspect Information

S__

Last Name: Cobian		First Name: Christian	M.I.: I.
AKA Last Name: N/A		First Name:	M.I.:
Sex: M Race: H	Street Address:	City:	State & Zip Code:
Work Phone: -	Home Phone:	Social Security #:	Driver's License #:
Age: 26 D.O.B. 09/26/85	Height: 5'07 Weight: 165	FBI #:	CII #:
Booking #: -	Primary Charge: 148(A)(1) P.C.	Secondary Charge: -	
Coroner Case? ☒	Coroner Case #: 2012-00511	Intoxication/Drug Usage? ☒	Substance Used: Alcohol/Marijuana/Methamphetamine
Armed? ☐	Apprehended? ☒	Mental Illness? ☒	Criminal History?
Vehicle Make:		Model:	Year:

S__

Last Name:		First Name:	M.I.:
AKA Last Name:		First Name:	M.I.:
Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #:	CII #:
Booking #:	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make:		Model:	Year:

S__

Last Name:		First Name:	M.I.:
AKA Last Name:		First Name:	M.I.:
Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #:	CII #:
Booking #:	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make:		Model:	Year:

S__

Last Name:		First Name:	M.I.:
AKA Last Name:		First Name:	M.I.:
Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #:	CII #:
Booking #:	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make:		Model:	Year:

See Other Side

SUPPLEMENTAL NON-EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Non-Employee Witnesses

Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
		-				-
		-			-	
		-			-	-
		-			-	-
		-			-	
					-	
		-				
					-	
					-	-
		-			-	
		-			-	
		-			-	
		-			-	
		-			-	
					-	

SUPPLEMENTAL NON-EMPLOYEE WITNESSES

Los Angeles County Sheriff's Department

Non-Employee Witnesses

Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
		-				
		-				
		-				

County of Los Angeles
SHERIFF'S DEPARTMENT
SHOOTING INVESTIGATION
(On Duty - Hit)

UNIT: Lancaster Sheriff's Station
DATE: January 21, 2012, Saturday
TIME: 2303 hours
LOCATION: 44201 10th Street West, Lancaster
URN#: 012-01397-1126-013
IAB#: SH2305899

NATURE OF INCIDENT:
Deputies Lee Warren and [redacted] shot Suspect Cobian after he reached for what they believed was a handgun in his waistband. Cobian was pronounced dead by Los Angeles County Fire paramedics at the scene.

While assigned to a two-person marked patrol unit (Lancaster 111N), Deputies [redacted] (driver) and Warren (bookman) were driving south on 10th Street West approaching Avenue J-4, when they noticed Suspect Cobian riding a bicycle, south on the west sidewalk without any head lights. They decided to warn/cite Suspect Cobian for the violation.

Deputy Warren illuminated Suspect Cobian with the patrol vehicle's spot light as they pulled over to the west curb, parked and exited their patrol vehicle. Prior to the deputies exiting the patrol vehicle, Suspect Cobian had turned and looked back at them. Suspect Cobian stopped riding the bicycle and got off on the left side. Deputies stopped their patrol vehicle approximately twenty feet to the rear of Suspect Cobian and offset to the left of the curb.

As deputies approached Suspect Cobian on foot, he was holding onto the bicycle with his left hand, while his right hand was concealed underneath his shirt in the area of his waistband. The suspect was wearing a long baggy dark blue baseball-style shirt with baggy pants. He appeared nervous as if looking for an avenue of escape, or an area to discard contraband.

Suspect Cobian was then ordered to show his hands as deputies contacted him regarding the violation. The suspect appeared anxious and excited as if he was going to get back on the bicycle to flee from them.

Deputy Warren was on the sidewalk approximately twenty feet from Suspect Cobian during the verbal contact. Deputy was at the front corner on the driver's side of the patrol car.

Suspect Cobian then yelled out profanities toward the deputies as he dropped the bicycle and ran south on the sidewalk.

Deputy Warren chased Suspect Cobian on foot, while Deputy followed in the patrol vehicle. Suspect Cobian was approximately fifteen to twenty feet in front of Deputy Warren during the initial foot pursuit.

Suspect Cobian ran south on the west sidewalk, then west along the south wall of a business complex (44201 10th Street West), then north along the west side wall of the business complex, then west in the parking lot hiding in front of three parked vehicles. As Suspect Cobian reached an east facing wall of a building at the west end of the parking lot, he ran south along the wall toward the alley. The alley is an east/west pathway between an apartment complex to the south and the business building at the west end of the parking lot.

When Suspect Cobian ran from Deputy Warren, he was yelling incoherently; whereby, deputies could not understand what he was saying. Suspect Cobian's left hand was swinging freely while he was running; however, his right hand and arm were concealed underneath his shirt near his waistband area.

Deputy Warren chased Suspect Cobian along the same route and eventually closed the gap to within twenty five feet at the west end of the parking lot.

When Suspect Cobian approached the southeast corner of the west side building complex, he immediately stopped running and walked a couple of steps. He then quickly turned to his left toward Deputy Warren.

At this point, Deputy Warren saw Suspect Cobian's left hand; however, he could not see his right hand since the area was dark. Cobian's right hand was underneath his shirt and/or waistband area as if clenching what appeared to be a gun. Believing he was going to be shot, Deputy Warren fired several rounds at Suspect Cobian, striking him multiple times.

Deputy was attempting to park the patrol vehicle at the southwest portion of the alley when he heard two gunshots, but did not know who the shooter was. As he exited the patrol vehicle, he saw Suspect Cobian running toward the alley; therefore, he believed his partner had been shot. Deputy yelled at the suspect to stop and to show his hands, at which time, Suspect Cobian jerked his right shoulder toward him. Believing he was going to be shot, Deputy fired two rounds at Suspect Cobian.

As Suspect Cobian fell to the ground, Deputy Warren broadcasted an officer-involved shooting incident.

Los Angeles County Fire Engine 33, under the direction of Captain Johnson, # arrived at the location and treated the suspect for his injuries. He was pronounced deceased by Paramedic Garcia at 2315 hours.

Neither deputy was injured.

Suspect Cobian sustained five gunshot wounds to the right side of the head, top right shoulder, left front chest, scrotum, and back of the left thigh.

No weapon was recovered.

Suspect Cobian had an and was currently on He was a known "Inglewood Trece" gang member.

Members of the Office of Independent Review, the District Attorney's Office, and Internal Affairs were briefed by Homicide Bureau.

IAB Note: Refer to **Exhibit A**, for a copy of the Homicide book.

Administrative investigation:

The following summary is based on written documentation, interviews of involved deputy personnel and civilian witnesses.

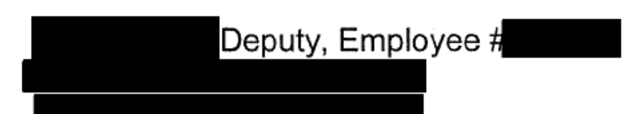
INVOLVED PERSONNEL:

Warren, Lee S., Deputy, Employee #
Lancaster Sheriff's Station
Field Operations Region I

EMPLOYEE WORK HISTORY:

Date of Employment:	03/26/2007
Date Assigned to Patrol:	08/2010
Completed Patrol Training:	
Prior Shooting Incident(s):	
Prior Founded Force Incidents:	

Deputy, Employee #



EMPLOYEE WORK HISTORY:

Date of Employment:	
Date Assigned to Patrol:	
Completed Patrol Training:	
Prior Shooting Incident(s):	
Prior Founded Force Incidents:	

INVOLVED SUBJECT:

Cobian, Christian, MH/26, DOB: 09-26-85, 5'07/165, Blk/Bro.
Address: [redacted] Home: N/A
CII# [redacted]: MAIN# [redacted]: FBI# [redacted]: JAIN# [redacted]
PDJ# [redacted]

Involved Subject History:

Suspect Cobian had an [redacted] and was currently on [redacted] He was a known "Inglewood Trece" gang member. Prior arrests were for [redacted]

VICTIM'S:

Sworn Personnel:

1. Deputy Lee Warren
2. Deputy [redacted]

> **IAB Note:** Refer to **Exhibit A** for supplementary reports written by assisting deputy personnel concerning the incident.

CIVILIAN WITNESSES:

1. [redacted]
2. [redacted]
3. [redacted]
4. [redacted]
5. [redacted]
6. [redacted]
7. [redacted]
8. [redacted]
9. [redacted]
10 [redacted]
11 [redacted]
12 [redacted]
13 [redacted]
14 [redacted]
15 [redacted]
16 [redacted]
17 [redacted]

18.
19.
20.
21.
22.
23.
24.
25.
26.
27.
28.
29.

Civilian Statements:

stated he was in the parking lot of the "El Toreo" restaurant when he saw a male riding a bicycle through the location. The male was eventually stopped by deputies in the street. said the male dropped the bicycle and ran from deputies, while trying to stuff something unknown into his pocket. He lost sight of the male, and then moments later heard ten (10) gunshots coming from around the corner. He added he has never seen the male before the incident.

> **IAB Note:** For further details, refer to **Exhibit A**, Page 15, for a supplementary report regarding statement.

were initially interviewed by responding deputy personnel. He saw an individual riding a bicycle east on the El Toreo parking lot toward 10th Street West. Minutes later, he heard multiple gunshots (10-15), at which time, they ran toward 10th Street West, and saw a bicycle lying on the sidewalk. When he reached the corner of the building, he saw deputies detaining a person on the ground telling them not to move.

He was transported to Lancaster Sheriff's station pending interviews with Homicide investigators. told investigators he only heard gunshots, but did not witness the shooting. He saw deputies telling the suspect, "Do not move!"

> **IAB Note:** For further details, refer to **Exhibit A**; Page 19, and Page 30, for Homicide's interview.

told Homicide investigators he had just walked out of the "El Toreo" restaurant when he saw a male riding a bicycle (Suspect Cobian) south through the parking lot. Cobian stopped in the parking lot and appeared to adjust his jacket, then rode southwest toward the sidewalk. Sheriff's deputies in a marked patrol vehicle stopped at the sidewalk where Cobian was and exited. One deputy yelled, "Stop." The driver deputy then entered the patrol car and drove south, while the passenger deputy ran south and out of view.

Seconds later, [REDACTED] heard gunshots followed by a short pause, then two more gunshots. As he walked to the sidewalk, [REDACTED] saw the bicycle Cobian had been riding laying on the sidewalk. He then walked south toward the alley and looked west. He saw two deputies detaining a person lying on the ground at gun point.

[REDACTED] stated he and his [REDACTED] were the first ones in the alley. No one else arrived until a couple minutes after the incident.

> **IAB Note:** For further details, refer to **Exhibit A**; Page 27 and 34, for Homicide's interview.

[REDACTED] told Homicide investigators he was the [REDACTED] of the business named, [REDACTED] He said the male that was shot (Suspect Cobian) was in his shop just moments before the shooting.

[REDACTED] said his shop was closed when he was advised that a customer (Suspect Cobian) was knocking on the front door. He unlocked the front door and let Cobian inside the store. He stated Cobian appeared very animated and talkative toward him. After Cobian had purchased a glass smoking pipe and lighter, he exited the store. Moment s later, [REDACTED] heard numerous gunshots from outside the store. He walked toward the alley and noticed that it was Cobian who had been shot by deputies, who were pointing their guns at Cobian, who was on the ground.

[REDACTED] told Homicide investigators his store had video tape surveillance footage of Cobian, while he was inside the store.

> **IAB Note:** A review of the store CCTV tape footage revealed Cobian purchasing item(s) from the cashier. He then exited the store and out of view. Enclosed is a copy of the CCTV video tape.

> **IAB Note:** For further details, refer to **Exhibit A**; Page 35, regarding [REDACTED] interview with Homicide investigators.

All other listed civilian witness(s) provided statements that revealed seeing nothing to only hearing gunshots.

> **IAB Note:** Refer to **Exhibit A** for supplementary reports written by Lancaster deputy personnel regarding the canvassing of the area and civilian witness statements.

DEPARTMENT WITNESS(S):

None

INVOLVED EMPLOYEE STATEMENTS:

Deputy Lee S. Warren, Employee # [redacted] was interviewed by Internal Affairs Sergeants Frank Quichocho and Jose Garcia on June 21, 2012, at approximately 1054 hours. Deputy Warren was represented by Attorney Erica Gurrola from the Offices of Green and Shinee. The interview was digitally recorded and the following is a summary.

Prior to the interview, Deputy Warren reviewed the voice print recording of the officer-involved shooting incident.

> **IAB Note:** The voice print radio dispatch was played for Deputy Warren in the presence of Attorney Erica Gurrola and IAB Sergeant Jose Garcia. A CD copy of the radio broadcast is enclosed, along with a transcript.

Warren stated he and his partner [redacted] drove south on 10th Street West, north of Avenue J-4, when he saw the Suspect Cobian riding a bicycle south on the west side of the sidewalk. Cobian's bicycle did not have a front light; therefore, Warren decided to conduct a bicycle stop. While he exited the patrol car, Warren said [redacted] illuminated the bicycle with the patrol car spotlight. At this point, Warren said he saw Cobian get off the bicycle and turn toward them.

> **IAB Note:** The location of the bicycle stop was on the west sidewalk adjacent to 44210 10th Street West (dba University of Antelope Valley), Lancaster.

Warren said he told Cobian he wanted to speak to him and to show his hands. He explained that although Cobian's left hand was visible, he could not see his right hand as it was underneath a large, oversized baseball type jersey or shirt. Warren added he was concerned about what Cobian had underneath his shirt, as it was concealed from his view.

After Warren ordered Cobian to show his hands, he heard him say something to the effect of, "Fuck you" or "Fuck this." Warren stated Cobian appeared very angry and excited, as he pushed the bicycle down and ran south on the sidewalk away from him.

At this point, Warren said he pursued Cobian on foot and chased him down the sidewalk, as [redacted] ran back to the patrol car. Warren said he chased Cobian to the alley on J-4, with his gun out during the foot pursuit because he was concerned Cobian was armed due to the way he was running. He described that Cobian ran with his left arm moving freely; however, his right arm was concealed underneath his baseball jersey, as if holding a firearm. Based on his training and experience, Warren believed Cobian was armed with a firearm.

When Cobian “rounded” the corner at the end of the building, Warren stated he briefly lost sight of him, so he tactically “cut the pie” and also “rounded” the corner. After he tactically cleared the corners of the building, southeast and southwest, Warren said he saw Cobian run behind three or four parked vehicles.

Warren said Cobian looked back at him during the foot pursuit; therefore, he believed Cobian was attempting to determine his (Warren’s) exact location in order to engage him in gunfire and/or shoot him.

Warren stated that as Cobian had crouched down behind the parked vehicles, he believed Cobian was attempting to gain a position of advantage by taking cover so he (Cobian) could engage him (Warren) in gunfire and/or shoot him.

As Cobian ran toward a clearing in the alley, Warren continued to chase him, as he ordered him to show his hands and to stop running. When Cobian reached the clearing in the alley, Warren said Cobian immediately stopped running and began to rapidly walk, then turned quickly toward him. Warren stated he did not see anything in Cobian’s left hand; however, he believed Cobian had a gun in his right hand. Believing he was going to be shot or killed, Warren engaged Cobian in gun fire.

Follow-up Questions:

Warren said when he exited the patrol car, he was on the street several feet away from the car door and approximately twenty feet to the rear of Cobian. The patrol car was approximately ten feet away from the curbline. He stated Cobian dismounted the bicycle, stood on the left side and held it up with his left hand. Cobian’s right hand was tucked underneath his baseball jersey. He described how Cobian had faced him with his right shoulder and chest area.

Warren said [redacted] had either exited the same time as he did or he had exited shortly afterward.

Warren stated he had no previous contacts with Cobian.

Warren described the location of the bicycle stop as a commercial area having several businesses and restaurants, in addition to the street being a major roadway. He stated there were several robberies in the area within the week. He recalled one armed robbery down the street at a Mexican restaurant.

During the bicycle stop, Warren explained that his frame of mind was that Cobian was armed. His mind-set was based on Cobian’s excited and angry demeanor coupled with not being able to communicate with him. In addition, Warren said he could not see Cobian’s right arm, as it was underneath his waistband and it looked like Cobian was holding a gun underneath his baseball jersey.

At this point, Cobian immediately ran from him; therefore, Warren said he was not able to communicate any information to his partner regarding what he saw. He added that since [redacted] had almost the same vantage point as him, he believed [redacted] likewise had the same thought process and state of mind as he did.

Warren said he had been working with [redacted] as a regular partner for approximately four months prior to the incident. They have discussed tactical scenarios, trained together and addressed similar incidents.

Warren stated when he saw [redacted] going back toward the police vehicle, he decided to chase Cobian.

Warren said he believed [redacted] was offset and to the rear of him at the driver's side of the patrol vehicle when he approached Cobian. He stated [redacted] was on his peripheral vision; therefore, he was not sure how far away he was from him.

During the bicycle stop, Warren said aside from the vehicle code violation, he believed Cobian had a gun based on his observations. He said he did not know if Cobian had been involved in any type of crime in the area.

> **IAB Note:** On Page 14 of his transcript, Warren commented, "*I decided to engage in foot pursuit when the suspect started running and I saw that it appeared that he had a handgun.*"

As Warren chased Cobian south on the sidewalk, he said he was approximately fifteen to twenty feet behind him. When Cobian reached the southeast corner of the building, he (Cobian) quickly turned right along the south wall and out of view. Warren then slowed down and tactically cleared the corner of the building with his gun out at different angles, which were advantageous to him.

Warren stated he knew [redacted] was close and just behind him in the patrol car, as he heard the patrol car engine, in addition to seeing the patrol car lights bouncing off the building wall.

When Warren cleared the southeast corner of the building, he stated that he could no longer see Cobian. He said Cobian could not have run across the open area south of the building (driveway) since he would have seen him; therefore, he assumed Cobian ran west along the building wall, then north from the southwest building corner. He said his assumption was determined by the distance he was from Cobian during the foot pursuit.

Warren said he believed [redacted] was still behind him in the patrol car, at this point, but had not yet pulled up into the driveway of the location.

Warren stated as he approached the southwest corner of the building, he slowed down and tactically cleared the corner. At this point, Warren said he believed [redacted] was still behind him in the patrol car, as he could hear the patrol car engine and saw the patrol car lights reflect off the walls; however, he did not know exactly where he was at.

At this time, Warren stated that his initial focus was on Cobian, since he did not want to be shot or killed.

When Warren cleared the southwest corner of the building, he saw Cobian crouched in front of several vehicles that were parked along the north wall of the parking lot. He believed that Cobian sought to gain a position of advantage over him as he (Cobian) would run from vehicle to vehicle looking back at him. He said Cobian made his way west in between the parked vehicles that faced the north block wall of the parking lot. He saw Cobian poking his head out from the parked vehicles, but could not see anything below Cobian's head.

As Cobian ran west along the north wall of the parking lot, Warren said he continued to chase him while pointing his gun at him. He believed Cobian was looking for a position of advantage in order to shoot him and kill him.

Warren said he initially took cover behind the first vehicle that was parked closest to him. When Cobian got up and ran west along the north wall, Warren continued to run across the parking lot in order to cut him off. He said the parked vehicles offered him cover and concealment, as he traversed across the parking lot.

Warren stated when Cobian came out into the clear, which was along the east facing building wall of the parking lot, he (Warren) ran out into the open parking lot in order to cut him off.

As Cobian reached the southeast corner of the east facing building wall, Warren said he was approximately twenty five feet away from him when he engaged Cobian in gun fire.

Warren explained that as Cobian ran along the east facing building wall, Cobian's left arm swung freely like a runner; however, his right arm was still underneath his baseball jersey toward his waistband, as if holding a weapon. At this point, Warren's frame of mind was that Cobian had a weapon. He added that just before Cobian reached the opening in the alley, he (Cobian) stopped running and began to walk at a fast pace. Cobian then quickly turned his entire body toward him. Warren added that the area was very dark and Cobian still had his right arm underneath his baseball jersey toward the waistband area when he faced him.

Warren stated he chose to leave a position of cover (parked vehicles) because he wanted to cut Cobian off in order to prevent him from escaping through the alley that led to the other side of the building on the west side of the parking lot (Car Quest Auto Parts.)

IAB Note: On Page 37 of his transcript Warren commented: *"I wanted to cut him off so I could catch up to him, to prevent his escape. I didn't want to let an armed suspect just run through the city, I didn't know what he was going to do. If he was going to go out and shoot other people in the city or, I don't know. I didn't know what he –"*

Warren said Cobian kept looking back at him, over his shoulder when he ran along the east facing building wall toward the opening in the alley. He believed Cobian's actions indicated he was trying to locate his position in order to shoot him.

Warren stated Cobian kept looking back behind him throughout the entire foot pursuit in order to locate where he (Warren) was.

Warren described Cobian's actions by holding his (Warren's) clenched right hand at his waistband as if holding an item. He said it appeared Cobian was holding a gun. He based his observations on his training and experience, in addition to training received from the Bureau of Alcohol, Tobacco and Firearms (ATF) regarding the characteristics of suspects concealing firearms. He said Cobian's movements were consistent with the training he received.

Once Cobian had completely turned toward him, Warren said Cobian appeared to bend his knees, which indicated Cobian had taken a shooting stance. Warren does not recall if Cobian stepped toward him, since he was totally focused on his hands. Based on Cobian's actions, Warren believed Cobian was going to shoot him; therefore, he fired at him.

Warren said [redacted] was in the patrol car when he closed the gap on Cobian in the open area of the parking lot. He stated [redacted] was to his left and behind him when he ran across the parking lot to cut Cobian off.

Warren stated he does not recall hearing any additional gun fire from [redacted] after he shot Cobian.

At the time of the shooting, Warren believed he fired approximately six to eight gun shots at Cobian, which were all in rapid succession.

Warren said his gun was equipped with a light mounted flashlight. He pointed out the flashlight lying on the parking lot belonged to him. He said it fell out of his pocket during the foot pursuit.

Warren stated he had target acquisition when he shot Cobian, which was center mass.

Warren said he was approximately fifteen to twenty feet from the patrol vehicle at the time of the shooting.

Warren stated he listened to the voice print radio dispatch of the incident. He identified the voice on the radio broadcast as his own.

Warren said he did not know he had said, "Shoot, shoot," on the radio broadcast until after he reviewed the radio traffic. He clearly identified the voice on the radio broadcast as his own.

Warren said he does not know why he said, "Shoot, shoot." At the time of the incident, he did not remember making the comment.

> **IAB Note:** On Page 31 of his transcript Warren explained the remark as: "*I don't know why I said that. I, at the time I didn't even remember I said it. It was just something that, the first thing that came out of my mouth that I was trying to say that I was involved in a shooting, but I was saying shoot. So at the time I didn't even know that I said it until after I listened to the radio traffic afterwards.*"

> **IAB Note:** On Page 35 of his transcript Warren further added: *"Looking back on it now, I was, that was the first thing to come out of my mouth. So I was, either I was thinking out loud or I was just trying to say something over the radio to verbalize what was happening."*

Warren stated he did not direct his comment of, "Shoot, shoot," toward his partner.

Warren said after he shot Cobian, both of his hands were on his weapon. He believed he put out emergent traffic during the shooting.

Warren explained he did not immediately initiate a foot pursuit broadcast because he was focused on the suspect and believed Cobian was armed with a firearm. He wanted to make sure he was focused on the suspect and that his (Warren) gun was pointed at Cobian.

Warren said he believed [redacted] had attempted to put out a foot pursuit broadcast. He stated both he and his partner, [redacted] had previously discussed foot pursuit scenarios, wherein the deputy in the back would put out radio traffic. He stated it occurred to him it was [redacted] turn and/or job to put out emergent radio traffic, since he was involved in a foot pursuit.

During the foot pursuit, Warren did not recall if he heard any emergent foot pursuit broadcast because he was not listening to the radio as he was focused on the suspect.

> **IAB Note:** A review of the radio broadcast and interviews of deputy personnel revealed no foot pursuit broadcast was initiated by either Deputy Warren or [redacted]

Warren explained that it was hard for him to provide the distance from the initiation of the foot pursuit to the where the shooting had occurred; however, it was approximately forty five seconds from beginning to end.

Warren said after he lost sight of Cobian at the southwest corner building wall, it was less than five seconds when he saw his head pop up from the parked vehicles.

During the shooting, Warren said [redacted] was not in his line of fire.

Warren described the lighting conditions on the street as well lit. He said the alley was very dark.

Warren said had Cobian escaped through the alley, he would have coordinated patrol units to lock the area down and contain the location.

Warren said he does not recall if Cobian made any comments toward him when he (Cobian) stopped running and turned toward him just before the shooting. He does not remember if he gave any orders to Cobian, at this point.

Warren believed he had overall command and control of the situation. He believed the incident was properly communicated between him and his partner.

> **IAB Note:** For further details, refer to an enclosed copy of Deputy Warren's verbatim transcripts.

> **IAB Note:** Refer to Exhibit F & G, regarding "Self-Talk" analysis during high stress and crisis situations.

Deputy [redacted] Employee #[redacted] was interviewed by Internal Affairs Sergeants Frank Quichocho and Jose Garcia on June 21, 2012, at approximately 1213 hours. Deputy Cruz was represented by Attorney Erica Gurrola from the Offices of Green and Shinee. The interview was digitally recorded and the following is a summary.

Prior to the interview, Deputy [redacted] reviewed the voice print recording of the officer-involved shooting incident.

> **IAB Note:** The voice print radio dispatch was played for Deputy [redacted] in the presence of Attorney Erica Gurrola and IAB Sergeant Jose Garcia. A CD copy of the radio broadcast is enclosed, along with a transcript.

[redacted] stated he and his partner, Deputy Warren were assigned to a marked patrol unit, Lancaster 111N/PM Shift. [redacted] said he was the driver, as Warren was the bookman/passenger.

While driving south on 10th Street West, south of Avenue J, [redacted] said he saw a male riding a bicycle without any headlights or reflectors. Based on the traffic violation, he conducted a bicycle stop. He said both he and Warren exited the patrol car, while the bicyclist (Suspect Cobian) dismounted the bicycle.

[redacted] stated Cobian kept his left hand on the handlebars of the bicycle, while his right hand was concealed inside his baggy shirt. When Cobian tried to get back on the bicycle, [redacted] ordered him to stop, at which time Cobian yelled, "Fuck this" or "Fuck you guys." [redacted] said Cobian slammed the bicycle down on the ground and ran south on the sidewalk of 10th Street West, toward Avenue J-4.

[redacted] explained he was at the drivers front end of the patrol car when he yelled out to Warren that he was going back inside the patrol car. He then saw Warren in foot pursuit of Cobian. [redacted] said Warren ran at a slow pace behind Cobian, who then made a westbound turn into the alley.

[redacted] said as he drove the patrol car, Warren was parallel to the patrol car. He added that as the patrol car entered the driveway of the alley, he saw Warren "cutting the pie" at the southeast corner of the building. As Warren maneuvered around the southeast corner of the building, [redacted] said he saw Cobian run north from the southwest corner of the building into the parking lot area and out of view. He said there were several vehicles parked on the north side of the parking lot.

[redacted] stated as Cobian ran from Warren, Cobian continually looked back at Warren. He explained Cobian's left hand swung freely, but his right hand did not display the same motion as that of a runner, who would swing their arms back and forth. [redacted] said he heard Warren giving commands for Cobian to stop.

As [redacted] maneuvered his vehicle toward the north wall of the apartment complex, south of the parking lot, he heard two gunshots ring out. Prior to hearing the gunshots, he saw Warren in his peripheral vision. He added Warren was not too far behind him, at this point. He then saw Cobian had stopped running toward the alley way.

[redacted] said he immediately exited the patrol car and took cover behind a commercial size trash bin by the alley. He then yelled at Cobian to show his hands. At this point, he saw Cobian's torso suddenly shift toward him.

Fearing for his safety, as well as his partner's, [redacted] shot Cobian twice. [redacted] said he lost sight of Warren for a split second when he focused on the suspect.

[redacted] stated he heard emergent radio traffic while he was taking cover behind the trash bin. When he looked back, he saw Warren standing to his right. He saw Cobian lying on the ground with his right hand underneath his body and left hand extended out toward him.

[redacted] said Cobian was detained at gunpoint, while Warren put out a radio broadcast.

said additional patrol units responded along with the Fire Department.

Follow-up Questions:

said he first noticed Cobian riding a bicycle south on the sidewalk of 10th Street West, when he drove south just past Avenue J. He saw the left rear side of Cobian's body during his approach in the patrol car.

explained the area of 10th Street West is commonly known to be a place where a lot of crimes occur. He said their detention of Cobian, at the time, was not related to a specific crime, but to enforce vehicle code laws. A week prior to the incident, said an armed robbery with a gun had occurred at a location just north of them.

said the area of 10th Street West/Avenue J is a business type location with shopping centers and restaurants, while south of Avenue J-4 is more residential with apartment complexes and housing tracts.

During the stop, said the patrol car was approximately five to ten yards from the bicycle. The patrol car was stopped at an angle toward the bicycle and within a few feet from the curb line. said he shined his spotlight toward Cobian in order to make him turn around and face them. Cobian then dismounted the bicycle and held it with his left hand. He said Cobian had "bladed" the right side of his body away from them, which caused him to view only the left side of his body. He added Cobian's right hand was concealed underneath his shirt at the waistband area. He could not determine if Cobian's right hand was tucked into his waistband.

In regards to Cobian's behavior, explained Cobian looked around for an escape route. He said Cobian looked to his left, right, and directly at him. When tried to get Cobian's attention, Cobian threw the bicycle down and ran away from them. stated Cobian appeared to be agitated and was possibly under the influence because he did not respond to their commands. He added Cobian had an enraged look on his face during the stop. said he believed Cobian was coherent, heard their commands and knew they were deputies.

said when he reached the front driver's side corner of the patrol car, Cobian ran away from them.

stated he yelled out to Warren that he was getting into the patrol car. He does not know if Warren heard him or not.

explained he went back to the patrol car in order to put out radio traffic. He then saw Cobian run west behind the building. At this point, said his intention was to simultaneously put out radio traffic, as well as to cut Cobian off with the patrol car to prevent him from running west behind the building into the parking lot.

While Warren was in foot pursuit of Cobian, [redacted] stated he was almost parallel to him in the patrol car. He believed Warren knew he was close by him in the patrol car. [redacted] added the passenger side of the patrol car door was next to Warren, as he (Warren) tactically cleared the southeast corner of the building.

[redacted] said the patrol car was in tandem with Warren and approximately ten to fifteen feet away from him, as he [redacted] entered the driveway of the alley. He added his headlights were on at this point.

[redacted] stated as he entered the driveway of the alley, at the southeast corner of the building, he saw Cobian run north from the southwest corner of the building and out of view. He said it took a couple of seconds to cover the distance from the southeast corner of the building to the southwest corner.

At this point, [redacted] drove toward the east/west alley way in order to block Cobian from escaping through the alley. He said there was a retaining wall that paralleled part of the alley, which sloped down and continued out to the west.

When [redacted] initially drove toward the alley, he said he was parallel to Warren, who was to the right of him. He added he saw Warren through his peripheral vision, at this point.

[redacted] said he intended to block Cobian from going west in the alley, which is why he drove south toward the opening in the alley. He stated his intention was to contain and isolate Cobian inside the parking lot area.

As [redacted] drove south toward the alley, he saw Cobian run west along the north parking lot wall. He stated Cobian's left hand was swinging, but not his right arm. [redacted] said he momentarily lost sight of both Cobian and Warren when he drove toward the alley in order to park the patrol car. He stated he was trying to put out radio traffic, at this point.

[redacted] explained as he initially drove the patrol car into the driveway, he headed west, then southwest toward the alley. He then heard gunshots and quickly threw the patrol car into park.

[redacted] stated he heard the two gun shots first and then parked the patrol car.

[redacted] said from the time he entered the patrol car on 10th Street East, to the time he parked it in the alley was approximately forty five seconds.

When [redacted] heard the gunshots, he believed it was Cobian who shot at Warren, but was not sure. After he parked the patrol car, he quickly glanced toward the west and saw Cobian walking slow along the east wall of the parking lot facing the area where Warren was at.

Once [redacted] exited the patrol car, he took a position of cover between the patrol car and a white trash bin. He said he shot Cobian from this position.

said Cobian posed a threat toward him and he reacted to the threat. He explained when he heard the gunshots, he feared Warren was shot because he saw Cobian moving along the east wall; therefore, his initial reaction was Warren had been shot and killed. As he exited the patrol car, said he yelled at Cobian to show his hands and/or to stop running. Cobian failed to comply and jerked his shoulder toward him, at which time; he feared Cobian was going to shoot him, which is when he shot him.

stated he did not know exactly where Warren was at after he exited the patrol car since his attention was focused on the threat (Cobian) and eliminating the threat.

said Cobian maintained a hold of his waistband area with his right hand the entire time of the foot pursuit. He stated it is common for people to carry firearms in their waistband.

said he does not recall exactly when the emergent radio broadcast was put out.

> **IAB Note:** commented on Page 22: *"I don't recall exactly when the radio traffic was put out, but I do remember hearing 10-33, 10-33 give me the patch, and listening back to it now, I can hear exactly what he said, but at the time I just heard 10-33, 10-33 and it sounded like a very, someone screaming, but I just heard it very softly. It's hard for me to explain what it's like, but I knew that someone was screaming, however I couldn't hear.*

stated he could not recall if he heard the radio broadcast before or after the initial gunshots.

> **IAB Note:** commented on Page 22: *"I don't remember. I just remember running out of the vehicle and firing, hearing the shots simultaneously or hearing the radio traffic, simultaneously glancing up at Warren and now at this time it sounds like a, he was whispering 10-33, but I could hear back that he was actually screaming it. And coming back to the suspect, directing my attention back to the suspect after I had seen that Warren was standing up.*

stated the only two gunshots he heard were the ones while he was inside the patrol car. He does not remember hearing his gunshots, or Warren's gunshots.

said he attempted to get on the radio when he drove the patrol car in order to put out a foot pursuit; however, he nearly crashed the patrol car; therefore, his attention was diverted to driving the patrol car.

At the time of the shooting, stated his attention was focused on eliminating the threat and not putting out the radio broadcast. After the shooting, said he tried to put out a radio broadcast; however, he continued to focus on the threat.

> **IAB Note:** A review of the radio broadcast and interviews of deputy personnel revealed no foot pursuit broadcast was initiated by either Deputy Warren or

said he listened to the voice print recording of the radio broadcast and the voice on the radio that said, "Shoot, shoot," sounded like Warren's and not him.

said his backdrop was the east wall of the building behind Cobian.

said he had target acquisition as he aimed at Cobian's center mass.

said although he knew he had fired his weapon, he could not recall how many times he shot at Cobian. He does not recall hearing any of his gun shots.

At the time of the shooting, said he could not recall if Cobian made any comments and/or remarks.

stated he had tactical advantage over Cobian based on being in a position of cover behind a large metal trash bin. He said there were no obstructions between him and Cobian.

said the lighting in the alley and parking lot was very dark.

> **IAB Note:** For further details, refer to an enclosed copy of Deputy verbatim transcripts.

SUSPECT INTERVIEW:

Deceased

SUSPECT'S INJURIES:

Gunshot #1: Right side of the head; grazing wound; potentially fatal.
Gunshot #2: Top of the right shoulder; probably non-fatal.
Gunshot #3: Left chest; fatal.
Gunshot #4: Scrotum; probably non-fatal.
Gunshot #5: Posterolateral left thigh; through and through.

> **IAB Note:** Coroner's notes indicate Gunshot #1 and #2, were possibly from the same bullet.

For further details, refer to **Exhibit A**; Homicide book; Page 81, for the Autopsy report.

DEPUTY PERSONNEL INJURIES:

None

PHYSICAL EVIDENCE:

Collected by Scientific Services Bureau, Crime Scene Investigators:

EV-1: One girl's bicycle, "Magna" brand, model "Glacierpoint," 15 speed, dark pink colored frame, Serial #47060058. Booked at Lancaster Sheriff's station in Evidence Ledger #404, Page 85.
EV-2: One expended 9mm cartridge casing.
EV-3: One expended 9mm cartridge casing.
EV-4: One expended 9mm cartridge casing.
EV-5: One expended 9mm cartridge casing.
EV-6: One expended 9mm cartridge casing.
EV-7: One expended 9mm cartridge casing.
EV-8: One expended 9mm cartridge casing.
EV-9: One expended 9mm cartridge casing.
EV-10: One fired, copper jacketed bullet with lead core.
EV-11: One expended 9mm cartridge casing.
EV-12: One expended 9mm cartridge casing.
EV-13: One expended 9mm cartridge casing.
EV-14: One bullet fragment.
EV-15: One expended 9mm cartridge casing.
EV-16: One expended 9mm cartridge casing.
EV-17: One fired, full jacketed bullet (lead core) entwined in a piece of denim material.
EV-18: One fired, copper jacket.
EV-19: One fired, lead core.
EV-20: One fired, lead core.
EV-21: One bullet fragment.
EV-22: One bullet fragment.
EV-23: One bullet fragment.
EV-24: One torn piece of brown paper containing a broken glass smoking pipe and glass fragments.
EV-25: One copper jacket with three lead fragments.
EV-26: One copper jacket.

IAB Note: For further details, refer to **Exhibit A**; Homicide book; Page 47, for further details. The listed evidence was collected under Lab Receipt #K387001.

Letter "A": LASD Sheriff's patrol vehicle, SD3974, driven by Deputy [redacted] The patrol vehicle was positioned diagonally adjacent to a commercial size trash bin. The front of the vehicle pointed southwest, along the south edge of the parking lot of 44211 10th Street West.

Letter "B": LASD Sheriff's patrol vehicle, SD5105, driven by Deputy Foster. The patrol vehicle was approximately positioned facing west in the center of the south parking lot of 44211 10th Street West (Car Quest Auto Parts).

Letter "C": One black metal flashlight belonging to Deputy Warren. Located on the asphalt parking lot.

Letter "D": Identifies a bullet strike on the east facing exterior block wall of the commercial building of 44215 10th Street West (Car Quest Auto Parts). Located west of the scene location.

Letter "E": Identifies a bullet strike on the east facing exterior block wall of the commercial building of 44215 10th Street West (Car Quest Auto Parts). Located west of the scene location.

Letter "F": Identifies a bullet strike on the east facing exterior block wall of the commercial building of 44215 10th Street West (Car Quest Auto Parts). Located west of the scene location.

Letter "G": Identifies a bullet strike on the east facing exterior block wall of the commercial building of 44215 10th Street West (Car Quest Auto Parts). Located west of the scene location.

Letter "H": Identifies a bullet impact on the base of the wooden storage box situated along the south facing exterior block wall of the commercial building of 44215 10th Street West (Car Quest Auto Parts). Located west of the scene location.

Letter "I": Identifies a bullet strike on the commercial size trash can bin positioned at the southwest corner of the south parking lot of 44211 10th Street West.

IAB Note: For further details, refer to **Exhibit A,** Homicide book, Page 45.

INVESTIGATORS OBSERVATIONS:

Homicide investigators identified the crime scene as the parking lot southwest of 44201 10th Street West (dba University of Antelope Valley).

Homicide investigators were furnished a copy of surveillance footage by the University of Antelope Valley. A camera was positioned on the west facing wall to cover the rear entrance door of the location.

> **IAB Note:** A review of the surveillance footage did not show anything related to the shooting incident.

Homicide investigators noted the parking lot was dark with the exception of intermittent ambient lighting provided by overhead lights affixed to exterior walls of the commercial building. There were three (3) lights at the eave of 44201 10th Street West, which flanked the north side entrance of the parking lot. These light were functioning at the time of the incident. There were two (2) exterior lights at the west facing wall of the commercial building. The larger light fixture affixed to the southwest corner of the building, which was adjacent to the parking lot was the sole lighting source that was believed to be illuminated at the moment of the shooting.

> **IAB Note:** For further details, refer to Exhibit A, Homicide book, Page 47, 48 and 49.

Homicide investigators recreated the lighting conditions of the crime scene via DVD.

> **IAB Note:** For further details, refer to enclosed DVD.

A Gun Shot Residue Kit (GSR), Lab #C64223, was collected by crime scene investigators for transportation to the Coroner; however, it was not processed.

> **IAB Note:** Refer to **Exhibit A**, Homicide book, Page 52.

WEAPONS USED BY DEPUTY PERSONNEL:

DEPUTY LEE WARREN:

Service Weapon: Beretta, Model 92FS, 9mm Luger semiautomatic pistol with serial number [redacted]
Type of Ammunition: 9mm Luger caliber "Winchester Ranger T-series."
Ammunition: (4) magazines and fifty (50) 9mm Luger caliber cartridges.
Gunshots fired: 11
Shell Casings: Collected by Sheriff's Criminalist, Phil Teramoto, # [redacted]

Date Employee Last Qualified: (Mobile Range):
Date Last Trained With Weapon:
Laser Village:
Receipt #K387003: Los Angeles County Sheriff's Department- Scientific Services Bureau, Firearms Identification Section. **(Refer to Exhibit A, Page 62).**

> **<u>IAB Note:</u>** The pistol was examined and test fired after the incident by Firearms Examiner P. Teramoto, # It was determined to be functional.

<u>DEPUTY</u>
Service Weapon: Beretta, Model 92FS, 9mm Luger semiautomatic pistol with serial number BER
Type of Ammunition: 9mm Luger caliber "Winchester Ranger T-series."
Ammunition: (3) magazines; One magazine contained (13) 9mm Luger caliber cartridges; two (2) magazines contained fifteen (15) 9mm Luger caliber cartridges; and one loose 9mm Luger caliber cartridge.
Gunshots fired: 2
Shell Casings: Collected by Sheriff's Criminalist, Phil Teramoto, #
Date Employee Last Qualified: (Mobile Range):
Date Last Trained With Weapon:
Laser Village:

Receipt #K387003: Los Angeles County Sheriff's Department- Scientific Services Bureau, Firearms Identification Section. **(Refer to Exhibit A, Page 62).**

> **<u>IAB Note:</u>** The pistol was examined and test fired after the incident by Firearms Examiner P. Teramoto, # It was determined to be functional.

<u>WEAPONS USED BY SUSPECTS:</u>

None recovered.

<u>PROPERTY DAMAGE:</u>

Bullet strikes/impacts (**LETTERS D – G**) on the east facing exterior block wall of the commercial building of 44215 10th Street West (Car Quest Auto Parts).

Bullet impact (**LETTER H**) on the base of the wooden storage box along the south facing exterior block wall of the commercial building of 44215 10th Street West (Car Quest Auto Parts).

Bullet strike (**LETTER I**) to the commercial size trash bin positioned at the southeast corner of the parking lot.

IAB Note: For further details, refer to **Exhibit A**, Page 50.

CRIMINAL INVESTIGATOR:

Investigator: LASD Homicide Bureau
Detectives M. Caouette and P. Fournier

WEATHER CONDITIONS AND LIGHTING CONDITIONS:

The incident occurred during the hours of darkness and the weather was clear.



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY • District Attorney
JACQUELYN LACEY • Chief Deputy District Attorney
PATRICK R. DIXON • Assistant District Attorney

JANICE L. MAURIZI • Director

May 21, 2012

Captain David Smith
Homicide Bureau
Los Angeles County Sheriff's Department
5747 Rickenbacker Road
Commerce, California 90040

RE: J.S.I.D. File #12-0068
L.A.S.D. File #012-01397-1126-013

Dear Captain Smith:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the January 21, 2012, fatal shooting of Christian Ivan Cobian by Los Angeles County Sheriff's Department (LASD) Deputies [redacted] and Lee Warren. We have concluded that Deputies [redacted] and Warren acted lawfully in self-defense and defense of each other.

The District Attorney Command Center was notified of the shooting at approximately 12:55 a.m., on January 22, 2012. The District Attorney Response Team, comprised of Deputy District Attorney Jason Lustig and District Attorney Senior Investigator Heinz Naas, responded to the location. They were given a briefing of the circumstances surrounding the shooting and a walk-through of the scene.

The following analysis is based upon investigative reports, analyzed evidence reports and witness statements taken during the investigation by the LASD and submitted to this office by Detectives Michael Caouette and Paul Fournier. Compelled statements were not considered in this analysis.

FACTUAL ANALYSIS

On January 21, 2012, at about 11:00 p.m., Deputies [redacted] (driver) and Warren (passenger) were on uniformed patrol in a marked patrol car driving south on 10th Street West in the City of Lancaster when they saw Christian Cobian riding a bicycle south on the west sidewalk without any lights. The deputies decided to stop Cobian to warn or cite him for the traffic violations. Deputy [redacted] parked the patrol car along the west curb. Deputy Warren exited and told Cobian to

Clara Shortridge Foltz Criminal Justice Center
210 West Temple Street
Los Angeles, CA 90012-3210
(213) 974-3888
WEBSITE: http://da.co.la.ca.us

stop and show his hands. Cobian looked back in the deputies' direction, stopped and got off the bicycle. Cobian was holding the handlebars with his left hand. His right hand was at his waistband and concealed beneath his long, baggy baseball-style shirt. Cobian appeared to be nervously looking around the area. Warren told Cobian that he just wanted to talk to him and to show his hands. Cobian yelled, "Fuck this!" or "Fuck you guys!" He dropped the bicycle and ran south and then west in the alley behind 44201 10th Street West.[1] Deputy Warren pursued Cobian on foot. Deputy [redacted] followed them in the patrol car west into the dark alley.

Cobian ran west along the south side of the building, continually looking over his shoulder. As he was running, Cobian's left arm was swinging naturally, but his right hand was concealed at his waistband under his shirt.[2] He was yelling something as he was running that the deputies were unable to understand. As Cobian ran south along the east wall of the building, Deputy Warren yelled for him to stop running. Deputy [redacted] drove parallel with Warren west in the alley attempting to block Cobian's path. When Cobian reached the southeast corner of the building, he stopped running and walked a couple of steps. He quickly turned to his left toward Deputy Warren with his right hand still under his shirt. Believing that Cobian was turning to shoot him, particularly because Cobian could have continued running west through the alley, Warren fired two volleys from his service weapon at Cobian.[3] He stopped shooting when Cobian fell to the ground and appeared to no longer be a threat.

Deputy [redacted] first heard two gunshots, but did not know who fired them. [redacted] parked and was able to see Cobian's left arm only. He could not see Deputy Warren. [redacted] exited the patrol car and took cover behind a dumpster. Still unable to see Warren, he focused on Cobian, who was crouched down. [redacted] ordered Cobian to show his hands. Ignoring the commands, Cobian turned quickly toward [redacted] Fearing that Cobian had just shot and killed his partner and believing that Cobian was about to shoot him, [redacted] fired his service weapon twice at Cobian. Deputy Warren then fired several more rounds at Cobian who ended up lying on the ground with both of his hands visible to [redacted] [redacted] pointed his gun at Cobian, who was still moving on the ground, until additional deputies and paramedics arrived. Warren broadcasted the shooting and ran back toward 10th Street West to ascertain the cross street for assisting units. Responding deputies heard Warren yell for them to "be careful, he has a gun." No weapons were recovered from Cobian or the surrounding area.

At 11:15 p.m., Cobian was pronounced dead at the scene by a paramedic. On January 23, 2012, Deputy Medical Examiner Susan Selser performed a postmortem examination of Cobian's remains and determined the cause of death to be multiple (5) gunshot wounds. His blood showed evidence of alcohol, marijuana and methamphetamine consumption.

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[1] Cobian had a [redacted]

[2] Witness [redacted] saw Cobian drop the bicycle and run from the deputies while trying to stuff something into his pocket.

[3] Both deputies were armed with Beretta model 92SF, 9mm semiautomatic pistols. Warren fired a total of 11 rounds.

[redacted] the [redacted] of a [redacted] at [redacted] said that Cobian was in his store shortly before the shooting. Cobian knocked on the door after the store was closed. [redacted] opened the door for Cobian who appeared to be "very animated and talkative." Cobian bought a glass smoking pipe and a lighter.[4] Moments later, he heard gunshots, walked to the alley and saw deputies pointing guns at Cobian who was on the ground.

LEGAL ANALYSIS

California law permits the use of deadly force in self-defense or in the defense of others if it reasonably appears to the person claiming the right of self-defense or the defense of others that he actually and reasonably believed that he or others were in imminent danger of great bodily injury or death. (*People v. Williams* (1977) 75 Cal.App.3d 731.)

In protecting himself or another, a person may use all force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent the injury which appears to be imminent. (*California Criminal Jury Instructions* 3470.) If the person's beliefs were reasonable, the danger does not need to have actually existed. *Id.*

When the peril is swift and imminent and the necessity for action immediate, the law does not weigh into nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to other means to secure his safety. (*People v. Collins* (1961) 189 Cal. App.3d 575).

The "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than the 20/20 vision of hindsight. . . . The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain, and rapidly evolving – about the amount of force that is necessary in a particular situation. *Graham v. Conner* (1989) 490 U.S. 386, 396-397.

CONCLUSION

The evidence examined in this investigation shows that Deputies [redacted] and Warren attempted to contact Cobian to investigate a traffic violation. Ignoring the deputies' orders, Cobian ran away with his right hand under his shirt. When Cobian stopped running, he turned to his left with his right hand under his shirt toward Deputy Warren in the same manner as someone with a firearm in his waistband would turn to shoot. Reasonably believing that Cobian was about to shoot at him or his partner, Warren fired a volley of shots at Cobian. Hearing the shots but unable to see his partner's whereabouts, Deputy [redacted] feared that Cobian had killed Warren. Cobian ignored [redacted] orders to show his hands and instead turned quickly toward [redacted] Reasonably believing

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[4] At the scene, investigators recovered a broken glass pipe, commonly used to smoke illegal drugs. Cobian had two disposable lighters in his pocket.

that Cobian was about to shoot at him, [redacted] fired his service weapon twice at Cobian. Deputy Warren then fired several more rounds until Cobian no longer presented a threat.

The evidence shows that the deputies were mistaken that Cobian was armed. Nevertheless, we conclude that Cobian's actions placed the deputies in reasonable fear of death or great bodily injury causing them to respond with deadly force. From the point of initial contact to the point where Cobian turned on the deputies, Cobian had his right hand concealed under his shirt at his waistband precisely how someone armed with a firearm would be holding it to prevent it from falling to the ground. Cobian presented as a mentally unstable, irrational individual, running away for no apparent reason, ignoring the deputies' commands and yelling incoherently. The deputies were reasonable in believing that Cobian was a dangerous individual willing to resort to deadly force to effectuate his escape. By fleeing with his hand under his shirt, Cobian gave the deputies every reason to believe that he was armed. Each time he turned toward the deputies showing no signs of surrender, the deputies were reasonable in believing that Cobian was about to shoot at them. The lawful use of self-defense does not require that the danger actually existed so long as the beliefs of the person acting in self-defense were reasonable. Under these circumstances, the deputies' belief that Cobian might use deadly force to escape was reasonable.

Given the rapidly evolving, life threatening situation that confronted Deputy [redacted] and Warren, we conclude that they acted lawfully in self-defense and defense of each other. We are therefore closing our file and will take no further action in this matter.

Very truly yours,

STEVE COOLEY
District Attorney

By

JASON P. LUSTIG
Deputy District Attorney
(213) 974-3888

c: Deputy [redacted] #[redacted]
Deputy Lee Warren #[redacted]